

# EXHIBIT 40

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND; STATE OF  
DELAWARE; STATE OF CALIFORNIA; STATE  
OF COLORADO; STATE OF ARIZONA; STATE  
OF CONNECTICUT; DISTRICT OF COLUMBIA,  
STATE OF HAWAII; STATE OF ILLINOIS;  
OFFICE OF THE GOVERNOR *ex rel.* Andy  
Beshear, in his official capacity as Governor of the  
COMMONWEALTH OF KENTUCKY; STATE OF  
MAINE; COMMONWEALTH OF  
MASSACHUSETTS; PEOPLE OF THE STATE OF  
MICHIGAN; STATE OF MINNESOTA; STATE OF  
NEVADA; STATE OF NEW JERSEY; STATE OF  
NEW MEXICO; STATE OF NEW YORK; STATE  
OF NORTH CAROLINA; STATE OF OREGON;  
JOSH SHAPIRO, in his official capacity as  
Governor of the COMMONWEALTH OF  
PENNSYLVANIA; STATE OF RHODE ISLAND;  
STATE OF VERMONT; STATE OF  
WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND  
COMMUNITY SERVICE, operating as  
AmeriCorps; and JENNIFER BASTRESS  
TAHMASEBI, in her official capacity as Interim  
Head of the Corporation for National and  
Community Service;

Defendants.

Civ. No. 25-cv-01363 (DLB)

**DECLARATION OF JOENNE MCGERR**

Pursuant to 28 U.S.C. § 1746, I, Joenne McGerr, hereby declare as follows:

1. I am a resident of the State of Washington. I am over the age of 18 and have personal knowledge of all the facts stated herein, except for those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the Washington State Department of Ecology as the Program Manager for the Shorelands and Environmental Assistance (SEA) Program.

3. Washington State Department of Ecology is responsible for protecting, preserving, and enhancing Washington's environment for current and future generations.

4. As SEA Program Manager, I oversee the Washington Conservation Corps (WCC), a Section within the SEA Program that I have managed since November 2020.

5. WCC was established in 1983 by the Washington State Legislature. Prior to 2011, WCC housed programs at the Washington Department of Ecology, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and the Washington State Parks and Recreation Commission. After the Legislature passed House Bill 1294 in 2011, the State's WCC programs were centralized under Ecology's administration. By consolidating the programs, the Legislature intended to "expand the conservation corps in all areas of the state" and "increase opportunities for meaningful work experience." Today, Ecology administers WCC as a partnership with nearly 100 local and Tribal governments, nonprofit entities, and state and federal agencies. Modeled after the Civilian Conservation Corps from the New Deal era, WCC mobilizes young adults (ages 18 to 25) and military veterans across the state to restore critical habitat, improve trails, reduce wildfire hazards, control erosion, and respond to local and national disasters.

6. WCC receives AmeriCorps funding as a subgrantee of Serve Washington, a commission housed within Washington's Office of Financial Management (OFM). Serve Washington receives allocated funding from AmeriCorps and selects the subgrantees who will be awarded.

7. WCC provides a practical pathway for members to enter environmental and disaster services fields by connecting them with hands-on work experience, formal training, and career development coaching during their service term. WCC members operate from 17 Washington counties, including 10 designated as rural and seven considered to be in economic distress.

8. Washington's natural resources support more than one-third of the state's economy. During their service term, WCC members contribute to improving and protecting at-risk ecosystems that are vital to rural jobs and small businesses involved in forestry, farming, fishing, and recreation.

9. In the 2023–24 service year, WCC members restored 262 miles of public trails, improved or cleared 4,145 acres of land, planted 348,847 trees and shrubs, and coordinated or taught 16,736 volunteers and students. These efforts furthered environmental restoration projects with WCC partners, which include: 7 federal agencies, 34 local government entities, 17 conservation districts, seven regional fishery enhancement groups, 24 non-profit organizations, and 11 Tribal governments. These partners relied on WCC crews to install native plants, remove noxious weeds, build trails, reduce brush to mitigate wildfire risk, recover from floods, and many other restoration and disaster service activities.

10. In the past 9 months alone, WCC deployed 76 members to support disaster relief efforts locally and across the United States: Okoboji, Iowa to support flood relief in August 2024; St. Lucie County, Florida to support Hurricane Milton relief in November 2024; Asheville, North

Carolina to support Hurricane Helene relief in January 2025; Brinnon, Washington to support wildfire response in August 2024; and King County, Washington to support storm related debris removal in December 2024.

11. WCC has received AmeriCorps support for three decades, since 1994. In the most recent decade, WCC has been awarded \$25 million in competitive AmeriCorps grants and has enlisted 3,943 AmeriCorps members.

12. The details of WCC's funding in recent biennia are as follows:

<b>State Biennium</b>	<b>AmeriCorps Members Enrolled</b>	<b>AmeriCorps Grant Awarded</b>	<b>AmeriCorps funds expended</b>	<b>Program Funds Provided</b>	<b>Total Program Costs</b>
2013-2015	690	\$3,743,920	\$1,842,021	\$18,039,608	\$19,881,629
2015-2017	653	\$3,647,840	\$3,458,958	\$21,550,261	\$25,009,219
2017-2019	672	\$3,647,840	\$3,467,546	\$24,490,998	\$27,958,544
2019-2021	662	\$3,914,475	\$3,647,012	\$23,307,126	\$26,954,138
2021-2023	653	\$4,210,448	\$3,483,342	\$25,123,576	\$28,606,918
2023-2025*	613	\$5,922,665	\$4,380,123	\$27,365,155	\$31,745,278
<b>Total</b>	<b>3,943</b>	<b>\$25,087,188</b>	<b>\$21,821,544</b>	<b>\$118,434,234</b>	<b>\$160,155,726</b>

\* 2013-2015 biennium includes 102 members enrolled in Education Award-only Program (EAP). WCC and organization partners provided 100% of support costs for EAP members.

\*\* 2023-2025 numbers are current as of April 21, 2025. Grant awarded includes carry-forward amounts. The biennium ends June 30, 2025.

13. On April 15, 2025, I learned from OFM that all members of AmeriCorps' National Civilian Community Corps (NCCC) program had been placed on administrative hold status effective immediately and would be eligible for a "compelling personal circumstance" program exit on April 30. The reason stated for the program-wide administrative holds was: "In alignment with the Trump-Vance administration priorities and Executive Order 14,222 'Implementing the President's Department of Government Efficiency Cost Efficiency Initiative,' AmeriCorps NCCC is working within new operational parameters that impact the program's ability to sustain program

operations.”

14. The next day, I learned from OFM that upwards of 85 percent of AmeriCorps staff were also placed on administrative leave and that only a small team was left in each department.

15. WCC’s current AmeriCorps grant is slated to end September 30, 2025. As of April 28, 2025, WCC had yet to draw down over \$1,684,668 in federal funds from the AmeriCorps grant.

16. On April 25, 2025, I learned from OFM that AmeriCorps terminated *all* AmeriCorps programs in Washington, “[e]ffective immediately.” Although the AmeriCorps’ termination notice purported to cancel certain enumerated grants included in a spreadsheet, the spreadsheet included each of the 24 separate grants that funded AmeriCorps programs in Washington, totaling \$21,192,083. According to the notice, these programs were all being terminated because they “no longer effectuate[] agency priorities” and the grantees “must immediately cease all award activities.”

17. AmeriCorps’ termination caused WCC to immediately lose its current AmeriCorps grant award, originally amounting to \$3,327,012 with an end date of September 30, 2025.

18. WCC currently supports 262 actively enrolled AmeriCorps members. These members receive:

- a. A bi-weekly living allowance;
- b. Health care benefits;
- c. Childcare assistance (if eligible); and
- d. An AmeriCorps Education Award, which may be used toward school tuition, most federally approved student loans, or future education costs for up to seven years.

19. Ecology does not have the resources to offer comparable benefits to full-time

service members absent AmeriCorps funding. Thus, WCC's loss of AmeriCorps funds will lead to termination of members' benefits and prevent some or all WCC's 262 AmeriCorps members from continuing to serve on a full-time basis. AmeriCorps terminating Washington's grant funding directly and immediately impacts WCC and the State: losing WCC's 262 AmeriCorps members denies Washington of as many as 180,780 service hours in environmental and recreation infrastructure restoration, trail and waterway improvement, volunteer management, and environmental education and interpretation.

20. WCC will suffer immediate harm from AmeriCorps terminating its grant funds. The loss of funding will impact WCC's 332 staff and members. Notably, AmeriCorps' cancellation results in the immediate loss of stipends for AmeriCorps members, without notice. Federal Regulations prohibit AmeriCorps members from being considered as employees of the program in which they are enrolled. 45 CFR 2510.20. Thus, WCC's former AmeriCorps members have lost their AmeriCorps living allowances and are ineligible for unemployment insurance. Additionally, any qualified loans that had been in forbearance will also resume for members and the Education Awards specified in member service agreements will be prorated.

21. WCC's AmeriCorps members joined with the expectation and understanding that they would receive \$7,395 in education awards upon successfully completing 1700 service hours. By terminating WCC's grants, AmeriCorps has caused members to face an expected minimum reduction of \$2,485 per pro-rated education award. WCC's 2024-2025 service year began in October 2024 and will end in September 2025. By April 25, it is expected that WCC's AmeriCorps members will have completed 66.4% of their 1700 service hours. Because AmeriCorps has terminated its funding for WCC "effective immediately," WCC's current AmeriCorps members will receive an award amount that is 33.6% less than what they were anticipating at the beginning

of their service term. Without AmeriCorps funding, WCC's AmeriCorps members are each expected to lose \$2,485, or more, depending on hours completed by April 25, 2025. Spread across WCC's 262 AmeriCorps members, AmeriCorps' funding termination will cost Washington roughly \$651,000 in educational benefits.

22. Losing AmeriCorps funding has and will impact WCC well into the future. Without AmeriCorps funding, WCC must rescind offers made to 3 candidates for three-month AmeriCorps member positions and cancel recruitment for the remaining 25 three-month AmeriCorps member positions that were slated to begin June 9, 2025.

23. In addition to these direct cuts, I am aware that the Administration is imminently reducing AmeriCorps Agency staff by up to 90%.

24. Even if AmeriCorps grant funding were restored, this reduction of agency staff is anticipated to have additional profound and deleterious effects. The affected AmeriCorps staff include those responsible for administering funds for state-operated programs. WCC believes that the drastic reduction in AmeriCorps staff will cause significant delays in accessing grant funds because so many AmeriCorps staff, including those responsible for administering WCC funds, have been placed on leave and the few remaining staff will be extremely overworked. The loss of AmeriCorps staff will also lead to delays in the agency's review of competitive grant applications, imperiling WCC's receipt of funds for future fiscal years.

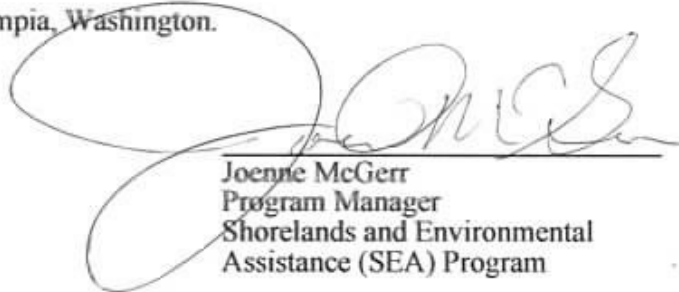
25. The support that WCC members provide to Washington's environment is irreplaceable. WCC projects improve and protect ecosystems that are vital to Washington's economy. Particularly important to Washington and other states across the country, WCC can immediately deploy members to support local and national emergency projects to assist with disaster response efforts. AmeriCorps' effective closure and its detrimental impact to WCC's



funding and membership will be keenly felt throughout Washington.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct.

Executed on May 1, 2025, at Olympia, Washington.



Joenne McGerr  
Program Manager  
Shorelands and Environmental  
Assistance (SEA) Program